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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,360	12/06/2005	Anke Gerda Sinnema	NL 030664	5647

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

DENTER, CLARK F

ART UNIT

PAPER NUMBER

3724

NOTIFICATION DATE

DELIVERY MODE

04/05/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/559,360

Applicant(s)

SINEMA ET AL.

Examiner

Clark F. Dexter

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 23-35, 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) 23-35, 37 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No.(s)/all Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 15, 2010 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35

U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35

U.S.C. 103(a).

3. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geertsma et al., Pub. No. 2002/0083591 (hereafter Geertsma '591) **or**, in the alternative, as being unpatentable over Geertsma '591 in view of Hasselquist, pn 1,416,199 (hereafter Hasselquist '199) **or**, in the alternative, as being unpatentable over Geertsma '591 in view of Hasselquist, pn 1,416,199 and WIPO Publication WO 98/08660 (hereafter WO '660).

Geertsma '591 discloses a shaving apparatus with almost every structural limitation of the claimed invention including:

a skin contact surface (e.g., the upper surfaces of holder 2 as viewed in Fig. 1) accommodating at least one cutting unit (e.g., 3) that comprises an external cutting member (e.g., 4), a matching internal cutting member (e.g., 6, 7), and a device (e.g., 9, 10) for providing a shaving aid additive to said skin contacting surface,

wherein said shaving apparatus further comprises shaving aid additive retaining means (e.g., 9, 10) provided on at least part of said skin contact surface, wherein the shaving aid additive is one of a liquid, a gel, a foam, a cream, a water-soluble hard material (i.e., the shaving aid retaining means of Geertsma '591 is fully capable of accommodating a shaving aid additive including one of those specifically claimed),

wherein the shaving aid additive retaining means comprises at least one groove (e.g., the grooves formed between features 10) that prevents the shaving aid additive from entering apertures in the external cutting member (e.g., the grooves of Geertsma

'591 channel will channel the shaving aid and thus prevent it from entering at least some of the apertures formed in the external cutting member),

wherein said at least one cutting unit is of the rotary type comprising an external annular cutting member, and

wherein said shaving aid additive retaining means is provided on a portion of the skin contact surface enclosed by the external annular cutting member of the at least one cutting unit;

[claim 3] wherein said shaving aid additive retaining means further comprises at least one ridge extending around a center of the skin contact surface enclosed by the annular cutting member of the at least one cutting unit (e.g., as shown in Fig. 2, Geertsma '591 discloses a plurality of such ridges 10 extending around a center of the claimed skin contact surface).

Geertsma '591 lacks:

a shaving aid additive, said shaving aid additive being one of a liquid, a gel, a foam, a cream, and a water-soluble hard material.

However, the Examiner takes Official notice that shaving aid additive is old and well known in the art and is often applied to the skin prior to or during shaving to treat and/or protect the skin during shaving. WO '660 provides one example of such a shaving aid additive. Shaving aid additives that are provided by hand are very well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a shaving aid additive for use with the shaving apparatus of Geertsma '591 to gain the well known benefits including those described above.

In the alternative, if it is argued that the ridges and grooves of Geertsma '591 do not meet the claimed limitation(s) directed to the shaving aid additive retaining means, the Examiner takes Official notice that such structure is old and well known in the art and provides the following benefits. Geertsma '591 teaches that the ridges 10 are provided on the cover to reduce frictional resistance between a user's skin and the cover during shaving. Geertsma '591 further teaches that such ridges may be provided in any location on the surface of the cover. In a similar manner, Hasselquist '199 discloses such friction-reducing structure in the form of concentric ridges and teaches that "the air has entrance or access between the face and faceplate, hence overcoming or eliminating any such undesirable tendency to suction or adhering action." Therefore, it would have been obvious to one having ordinary skill in the art to provide an alternate ridge structure such as that taught by Hasselquist '199 on the cover of the cutting units of Geertsma '591 to gain the well known benefits including those described above.

Further in the alternative, if it is argued that the recitation "a device for providing a shaving aid additive to said skin contacting surface" cannot be considered to include the shaving aid retaining means since the shaving aid retaining means as now set forth appears that it may be intended to recite structure in addition to the device for providing a shaving aid additive to said skin contacting surface (i.e., the recitation "characterized by" has been replaced by "said shaving apparatus further comprises"), the Examiner takes Official notice that such devices are old and well known in the art and further that such is admitted prior art is described in the first two paragraphs of the specification of the present application (see page 1) wherein WO '660 is described as

such prior art. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a device on the shaving apparatus of Geertsma '591 for providing a shaving aid additive to gain the well known benefits including providing a lubricant or shaving aid additive during shaving to improve and/or enhance the quality of the shaving operation.

Response to Arguments

4. Applicant's arguments filed November 15, 2010 have been fully considered but they are not persuasive. It is respectfully submitted that all of the claimed structure is taught and/or suggested by the prior art, particularly the applied prior art, and that the prior art rejection must be maintained.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/
Primary Examiner, Art Unit 3724**

cfd
March 28, 2011